

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

CLAY BURGON,

Petitioner,

2:14-cv-01128-RFB-CWH

vs.

ORDER

ATTORNEY GENERAL, *et al.*,

Respondents.

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In this habeas corpus action, on March 31, 2016, the Court appointed counsel for the petitioner, Clay Burgon, and granted Burgon 60 days to file an amended petition (ECF No. 24). The Federal Public Defender for the District of Nevada (FPD), appeared on Burgon's behalf on April 15, 2016 (ECF No. 25). Subsequently, the Court granted Burgon three extensions of time, totaling ten months (ECF Nos. 28, 31, 33), making the amended petition due on March 28, 2017.

On March 24, 2017, Burgon filed a motion (ECF No. 34), requesting another extension of time -- a 14-day extension, to April 11, 2017. Petitioner's counsel, Assistant Federal Public Defender Armilla Staley-Ngomo, states that this fourth extension of time is necessary because of the transfer of the case, within the FPD's office, from another attorney to her, in June 2016, because she was out on maternity leave for about three months beginning shortly after she took over the case, because of her obligations in other cases, and because this is a complex habeas corpus case requiring

1 her and other FPD staff to gather and review voluminous files and court records. Burgon's counsel
2 states that respondents do not oppose the motion for extension of time.

3 The Court is familiar with the background of this case; respondents filed much, if not all, of
4 the state court record on May 13, 2015 (ECF Nos. 9, 10, 11), and the court has examined those
5 records. This is not an unusually complex habeas corpus action. The court does not approve of the
6 amount of time required for petitioner to amend his petition in this case. However, in the interests of
7 justice, the Court will grant this motion for extension of time.

8 *The court will not be inclined to further extend this deadline absent extraordinary*
9 *circumstances.*

10 **IT IS THEREFORE ORDERED** that petitioner's motion for extension of time (ECF No.
11 34) is **GRANTED**. Petitioner shall have until and including April 11, 2017, to file an amended
12 petition for writ of habeas corpus. This will be the FINAL EXTENSION.

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14 DATED this 24th day of March, 2017.

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18 RICHARD F. BOULWARE, II
19 UNITED STATES DISTRICT JUDGE
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